
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FREDDY SAMUEL TURCIOS-
RODRIGUEZ,

Plaintiff,

v.

EDDIE WRIGHT; TABATHA ZAMORA;
and COLBY VANDERBEEK,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 1:21-cv-00046-JNP-DAO

District Judge Jill N. Parrish

Plaintiff Freddy Samuel Turcios-Rodriguez (“Plaintiff”), proceeding pro se, sued Eddie Wright, Tabatha Zamora, and Colby Vanderbeek (collectively, “Defendants”). ECF No. 5. Magistrate Judge Daphne A. Oberg issued an order granting Plaintiff’s petition to proceed *in forma pauperis*. ECF No. 4. On September 30, 2021, Judge Oberg ordered Plaintiff to file an amended complaint because the initial complaint did not “give the defendants fair notice of the nature and basis of his claims.” ECF No. 18 at 3. Plaintiff did not file an amended complaint. In fact, other than filing a notice of a change of address on August 6, 2021, ECF No. 17, Plaintiff has not responded to the court. On October 6, 2022, the court ordered Plaintiff to “file a response to this order by 11/7/22, stating whether he intends to proceed with this case and explaining why the case should not be dismissed.” ECF No. 21. Plaintiff has not responded.

On February 10, 2023, Judge Oberg issued a Report and Recommendation that the action be dismissed with prejudice for failure to comply with court orders and to prosecute the case. ECF No. 23. Magistrate Judge Oberg notified Plaintiff that a failure to file a timely objection to the

Report and Recommendation could waive any objections to it. Plaintiff did not file an objection within the allotted time.

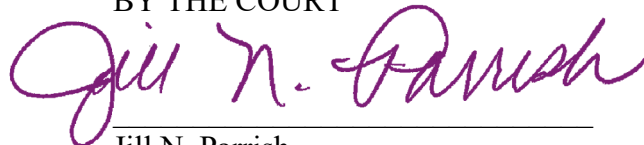
Because Plaintiff did not object to the Report and Recommendation, he waived any argument that it was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation for Dismissal (ECF No. 23) is ADOPTED IN FULL.
2. This action is DISMISSED WITH PREJUDICE.

Signed March 1, 2023

BY THE COURT



Jill N. Parrish
United States District Court Judge